

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

MATTHEW LEE BABER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:19CV491-HEH
	)	
TRACY RAY, <i>et al.</i> ,	)	
	)	
Respondents.	)	


**MEMORANDUM OPINION  
(Dismissing 28 U.S.C § 2254 Petition Without Prejudice)**

Petitioner, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on August 5, 2019, the Court directed Petitioner to complete and return, within fifteen days of the date of entry thereof, an affidavit in support of his request to proceed *in forma pauperis* or pay the \$5.00 filing fee. More than fifteen (15) days have passed and Petitioner has not returned the required *in forma pauperis* affidavit. Petitioner also has failed to pay the assessed fee or adequately explain any special circumstances warranting excuse from payment. Accordingly, the § 2254 petition will be dismissed without prejudice.

A certificate of appealability will be denied.

An appropriate order will accompany this Memorandum Opinion.

Date: Aug. 28, 2019  
Richmond, Virginia

  
\_\_\_\_\_/s/  
HENRY E. HUDSON  
SENIOR UNITED STATES DISTRICT JUDGE